The court decides the case on general principles of construction. It holds that the purpose of the legislature, viz., to inform the public that the concern with which it is doing business is a corporation, is fully subserved by "limiting the expression 'printed or advertising matter' to billheads or advertisements in the newspapers, and other similar matter." No authority is cited either of decisions or text-books, nor do we find any pro or con. The statute appears to be unique. Somewhat analogous legislation is found on the subject of limited partnership, but we find no express requirement that "limited," "limited partners," or other words indicative of special partnership, appear on "advertising matter." BRIGHTLY'S PURDON'S DIGEST Vol. I (12th Ed.) pp. 1219-1223; SAYLES' TEXAS CIVIL STATUTES, Vol. II, Title 76, Arts. 3590-3596; KY. ST. 1903, Chap. 94. There seems, therefore, to be no precedent to help determine what the legislature meant by "printed or advertising matter."

COSTS—CHANGE OF VENUE—LIABILITY OF COUNTY.—Where a criminal case is removed from the county where the indictment was found, *Held,* the costs for which such county is liable for the prosecution of the suit do not include compensation of special counsel appointed by the court of the county to which the case was removed, when its county attorney for any cause is disqualified to act. *State ex rel Cascade County* v. *Lewis and Clarke County et al.* (1906), — Mon. —, 86 Pac. Rep. 419.

The County Attorney of Cascade county had, before his election to office, been retained by the defendant in the criminal action, whereupon the court appointed special counsel to prosecute the case at a cost of $600, which sum they sought to collect from Lewis and Clarke County. The reasoning of the court is that Cascade County should have tried the case as if it were its own, and therefore its county attorney, or, in case of emergency, the Attorney General should have been called in to prosecute the case. To allow this charge would be the same as to allow for the services of the sheriff or clerk, for the time used in this case, for all of these officers are salaried, and draw their pay whether there be a case or not. Therefore, if Cascade County saw fit to procure the services of outside attorneys, it was no concern of Lewis and Clarke County. *State* v. *Whitworth,* 26 Mont. 107, cited, held that in such a case the county attorney must prosecute the case; but also held, "That the statute declaring thus does not exclude the power of the court to appoint counsel from members of the bar to assist in the prosecution." See also: *Biernal* v. *State,* 71 Wis. 444; *People* v. *Hendryx,* 58 Mich. 498; *Commonwealth* v. *Knapp,* 10 Pick. 477; *Commonwealth* v. *King,* 8 Gray, 501. There are special statutes as to who may so appoint; as, the board of supervisors,—*Hopkins* v. *Clayton County,* 32 Ia. 15; the district attorney,—*Sands* v. *Frontier County,* 42 Neb. 837; *Commonwealth* v. *Shaffer,* 178 Pa. St. 409. In Montana, the district attorney, or an authorized assistant, duly appointed, or in an emergency the Attorney General, shall prosecute; but this shall not be intended to deny the inherent power of the court, finding itself without a prosecuting attorney, to supply one temporarily. *State* v. *Whitworth, supra;* Pol. Code. § 460 Sub. 7. The situation in the principal case is rather novel

and interesting. Under the code of Montana, the case seems clearly well decided. On the face of it, one is struck with the idea that it is unfair that Cascade County should be required to pay the cost of conducting Lewis and Clark County's criminal trial. But under the statute it might have called in the Attorney General. The case seems to have been decided upon statutory grounds.

CRIMINAL LAW—PROXIMATE CAUSE—DEPOSIT OF OBSCENE MATTER IN THE MAIL.—Defendant was prosecuted and convicted under § 3893 of the Revised Statutes (U. S. Comp. St., 1901, p. 2658), on an indictment charging him with having knowingly deposited and caused to be deposited in the mail a newspaper containing certain obscene, lewd and lascivious articles. Defendant wrote the articles and left them to be published in the newspaper. He had no present interest in or control over the paper although he had formerly had control in the capacity of editor. *Held,* that the leaving of the articles with the knowledge that they would be published and that the newspaper when printed would be deposited in the mails was so connected with the actual depositing in the mails in the relation of proximate cause as to render the defendant guilty under the terms of the statute. *Demolli* v. *United States* (1906), C. C. A., Eighth Circ., 144 Fed. Rep. 363.

The majority opinion cites the following cases: *Union Pac. Ry. Co.* v. *Callaghan,* 6 C. C. A., 205, 56 Fed. 988; *Missouri Pacific Ry. Co.* v. *Moseley,* 6 C. C. A., 641, 57 Fed. 921; *Milwaukee, etc., Ry. Co.* v. *Kellogg,* 94 U. S., 469, 24 L. Ed. 256; *The G. R. Booth,* 171 U. S. 450, 19 Sup. Ct. 9, 43 L. Ed., 234; *Insurance Co.* v. *Boon,* 95 U. S. 117. All of these cases, however, relate to actions for damages and state the rule of proximate cause in civil cases. In a strong dissenting opinion, HOOK, C. J., sets forth that such an application of the civil rule of proximate cause to criminal law is an undue extension of the doctrine. The mere fact that defendant might have foreseen that his acts would lead to depositing unmailable matter in the postoffice did not constitute the act itself and could be no ground of conviction under this statute. Citing *Todd* v. *United States,* 158 U. S., 278 15 Sup. Ct. 889, 39 L. Ed., 982, the judge says that no statute creating crimes shall be extended by intendment, there can be no constructive offenses, and before a man can be convicted his case must be unmistakably within the statute. This case sets a new precedent, being the first to directly adjudicate the point involved. There is, however, a somewhat analagous case in the English reports, *Regina* v. *Bennett,* Bell. C. C. 1; 28 L. J., M. C., 27; 4 Jur. (N. S.) 1088; 7 W. R., 40; 8 Cox C. C., 74. In this case, the judges of the court of criminal appeals on a reserved case set aside a conviction in the lower court by which the defendant had been declared guilty of manslaughter. The defendant kept and manufactured fireworks contrary to statute. Through the negligence of his servants fire broke out and a skyrocket took fire, went across the street, and set fire to a building in which a woman was burned to death. *Held,* that although his act of manufacturing fireworks was wrongful and the death of the woman would not have occurred but for this wrongful act, still the defendant could not be held criminally responsible.